

EXHIBIT 138
Unredacted Version of
Document Sought to be Sealed

From: Blume, Robert C. <RBlume@gibsondunn.com>
Sent: Monday, April 25, 2022 11:15 AM
To: Lesley Weaver; Cari Laufenberg; Matthew Melamed
Cc: Ring, Rose; Kutscher Clark, Martie; Swanson, Alexander; Stein, Deborah L.; Buongiorno, Matt; Herbert, Kelly E.; Falconer, Russ; Davis, Colin B.
Subject: Re: Preservation 30(b)(6) meet & confer request

Cari/Lesley/Matt:

I write to follow up on our call about 30(b)(6) designees. As I mentioned, some of the individuals we have already designated will cover additional topics. Specifically, Ali Hendrix, already designated on Topics 1 & 3, will also cover Topics 2(b) and 2(d)—except as those topics relate to targeting advertising. She will also cover the aspect of Topic 6 that seems to overlap with her other topics (“the communication of this technology to users, including the drafting of Facebook’s Terms of Service, SRR and Data and Privacy Policies relating Friend sharing.”). Simon Cross will address the balance of Topics 2 and 6—except, again, as related to targeted advertising. We need to have a better understanding as to the nature of the testimony you are seeking there to ensure we find the right person. We also need to meet and confer with you on Topic 8. We have been trying to identify a witness but are struggling to understand the topic as written.

Relatedly, last week Matt wrote to one of my colleagues about “boilerplate” objections to the 30(b)(6) notice and asking to confirm whether or document objections were also “boilerplate.” Our document objections are not boilerplate; if witnesses testify about documents to which you think Plaintiffs are entitled under the Federal Rules of Evidence, we will meet and confer with you about them. I’d also like to note that, contrary to your suggestion otherwise, our objections to the notice were tailored to the notice. We agreed to provide witnesses to testify to the best of their ability notwithstanding the issues we had with how the topics were described.

Please let me know if you would like to discuss.

RCB

Robert C. Blume

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On Apr 25, 2022, at 5:05 PM, Blume, Robert C. <RBlume@gibsondunn.com> wrote:

Lesley:

As discussed, we wanted to schedule a meet and confer to discuss our concerns with both the technical elements and the substantive topics set forth in your recent preservation 30(b)(6) deposition notice. We are happy to schedule a call for today or late tomorrow (with a follow-up on Wednesday). That said, I know you are on vacation this week so if you

want to settle in for a day or so, we can talk on Wednesday (after I return, at least) and follow up on Thursday (or Friday).

Let us know what works.

Best.

RCB

Robert C. Blume

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